

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby amends Chapter 73, "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)," Iowa Administrative Code.

The purpose of the amendment is to be consistent with federal changes to the requirements of the WIC food package that become effective October 1, 2009, and that will affect 74,500 Iowa WIC participants. The amendment also reserves the Department's right to limit the number of foods for the WIC-approved food list based on accessibility, availability, retail value of product, USDA recommendations, increased number of WIC participants, and change in appropriation of funds.

The original Notice of Intended Action was published in the Iowa Administrative Bulletin on April 8, 2009, as **ARC 7669B**. The Department was unable to hold the public hearing scheduled for April 28, 2009, due to an issue with the scheduling of the ICN. An Amended Notice of Intended Action was published in the May 20, 2009, Iowa Administrative Bulletin as **ARC 7798B**. Comments were received from the Iowa Dairy Foods Association, Inc. regarding the exclusion of 2% milk from the WIC program including that the intent to exclude 2% milk was not clear. Changes were made in the Amended Notice of Intended Action to clearly state that 2% milk is to be excluded. The rationale for this exclusion was sent to the commenter.

The adopted amendment is identical to that published under Amended Notice of Intended Action as **ARC 7798B**.

This amendment was adopted by the State Board of Health on July 8, 2009.

This amendment will become effective on September 2, 2009.

This amendment is intended to implement Iowa Code section 135.11.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [73.9(3)] is being omitted. This amendment is identical to that published under Amended Notice as **ARC 7798B**, IAB 5/20/09.

[Filed 7/8/09, effective 9/2/09]

[Published 7/29/09]

[For replacement pages for IAC, see IAC Supplement 7/29/09.]